EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CARL G. SIMPSON AND BONNIE REED SIMPSON, CO-ADMINISTRATORS OF THE ESTATE OF CARL D. SIMPSON,

Plaintiffs,

vs.

INTERMET CORPORATION, ET AL.,

Defendants.

Hon. J. Dlott

Case No.: C-1-00014

DEPOSITION OF ALAN GOULD

taken by the Plaintiff on the 21st day of July, 2003 at Best Western, 510 Huron Avenue, AuGres, Michigan at 1:34 p.m..

APPEARANCES:

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because of certain requests by Intermet.

Q. Okay. And that's -- I'm referring to Exhibit 1 in the Hayes deposition exhibits. That's an October 22nd, 1991 letter from you to Jim Aullread; correct?

A. I believe this is the original proposal.

Q. Page 1 of that document you indicate the machine would be put in first-class working condition. Can you describe first-class working condition?

A. Basically I'm saying it's as good as new.

Q. This was -- do you recall the -- the age when this machine was new? What year it was?

A. I don't have that. I don't have that knowledge, but I do know where they came from.

Q. Okay.

A. We purchased them from Ford Flat Rock, in Flat Rock, Michigan, which was a pretty new foundry that Ford was putting in. And they had over 40 of those Sutter 1630's in the facility. And then they closed, after being open for only a few years, and C.M.I. bought all 40 of those Sutter 1630's because we had planned to use them in our own foundries.

Q. Okay. From my recollection I believe this is manufactured around 1978. Does that --

A. That could be true.

Q. -- sound about right?

A. Right.
Q. When you said as good as -- define first-class as good as new, that means the machine would be in the same position, as far as any safety devices would be concerned, that a new Sutter would be in 1992 or '93?
A. I guess I wouldn't say just safety. I know you're --
Q. I'm concentrating on --
A. Just on safety.
Q. Yes.
A. I can truthfully say that whatever was provided as safety on the original equipment would have been provided on the equipment that we remanufactured.
Q. Were you familiar with any changes as far as operation that affected safety or made the machines safer that had occurred from Sutter from the time these machines were manufactured until they were remanufactured by C.M.I.?
A. There -- I don't know if Sutter came up with this design or it came out of a General Motors foundry where there were some scissor-type locks that were added to the top of the gassing frame so that if they were going in and working on the machine, the scissor locks could be brought in and the machine shut down and locked out, and they would hold up the gassing frame. Because gravity

THE WITNESS: Yes.

MR. MUNSELL: So they probably have to be made together?

THE WITNESS: Made together.

MR. MUNSELL: I'm sorry to interrupt, Randy, I'm just --

MR. LAMBERT: That's all right.

MR. MUNSELL: Sort of elementary --

THE WITNESS: That's pretty good.

MR. LAMBERT: Okay. That's fine.

BY MR. LAMBERT CONTINUING:

Q. So when you made this proposal back in Exhibit 1 there to sell a retrofitted Sutter to Intermet, it did not include the core box?

A. That is correct.

MR. MUNSELL: Or any of the tooling?

THE WITNESS: None of the tooling. And that's why we had to stretch the machine because a standard Sutter machine has a 30 by 40 blow area. That's standard. Intermet tooling required a larger blow area which at that time was -- it's in one of these letters of the original proposal. The one -- back up. It's like 34 by 45 or something. So the tooling they wanted to put in there was bigger. So anything that we had, like a sand chamber or blow magazine, we never labeled that, had to

be bigger than the sander. The car that -- the bolster car that the drag sets on was bigger than standard. They were making a lot bigger mold than normally would be made on this machine.

Q. Was the core box bigger than the normal?

A. Yes, it was.

Q. Is that something that could be -- that could be purchased, a used core box that size somewhere, or was that something that had to be built by someone else?

A. It was probably new tooling because -- sometimes a customer -- like Ford might have been providing the tooling.

Q. Okay.

A. Okay? Back then a lot of times G.M. or Ford or Chrysler would provide the tooling, or they would pay you to make it. Now a days they expect you to just eat it.

Q. Okay.

A. And that was part of the whole problem originally when we did this is because it was a new job. And I believe it was new tooling and it hadn't been designed yet. We only knew the outside was going to be about this big.

Q. So the exterior of the core box that would fit, you knew what size it was going to be?

A. I had to know that.

Q. And again you used the word scope, and I understand that. But I see that as there could be a whole lot of changes still within the scope. It appears they were ordered fairly close together and it's --

A. I believe they were the same price, and I think they were the same.

Q. Okay. The strip cylinder I believe we have concluded was pneumatic when it left C.M.I. and went to Intermet; correct?

A. It was pneumatic when it left C.M.I., yes, sir.

MR. MUNSELL: For both purchases?

THE WITNESS: For both purchases.

BY MR. LAMBERT CONTINUING:

Q. When this injury occurred in the late '90s there was a solenoid valve on the Sutter machine where this injury occurred that was manually operated or depressed to raise the cope during a maintenance cycle. How was the cope raised on the Sutter machine when it left C.M.I. to go to Intermet on both of them?

A. It was designed to be done at the operator's station.

Q. When you say it was designed to be done, that doesn't always mean that was the end result. So let's separate it out.

When you say it was designed to be done, was

was a process that had to occur, the raising of the cope, before the machine could be put back into operation?

I'm not talking about necessarily in '99, but when the machine was being prepared to be sold to Intermet.

A. When we sold it and delivered it to Intermet, there were provisions -- stations electrical control panel and panel made screen to raise and lower the strip cylinder and whatever else was with that through the operator's controls. And it's in the program logic also. And that was with a pneumatic cylinder.

MR. MUNSELL: You're talking about the strip cylinder?

THE WITNESS: The pneumatic strip cylinder.

And we provided a pneumatic solenoid valve to operate that cylinder.

BY MR. LAMBERT CONTINUING:

Q. When you say provided pneumatic solenoid valve to operate; is that a manual valve?

A. No, it's an electrically controlled solenoid valve.

Q. Okay. To be operated from the control panel?

A. Correct.

Q. When the Sutter machines, including both machines, which would include four stations, --

MR. LAMBERT: Sorry, Nancy.

strip cylinder through the electric pneumatic valve on the control panel?

A. I didn't see the installation at Intermet until, you know, a few months after it was installed. And I didn't really go there to watch that particular point, so I can't say for sure how they did it. I can tell you that we ran the machine in our plant before it was shipped, and we dry-cycled without tooling and things like that. And that's how we did it.

Q. So there was a control on the control panel, or a button, if you will on the control panel, when the machine was sold and shipped for the raising of the core box from the control panel?

A. That's correct. It wasn't so much a hard wire -- hard wired button. It might have been a button that was created on the panel view touch screen.

Q. Okay.

A. As opposed to a selector switch; okay? Something you'd actually push. It would be on the screen and you could select it from there.

Q. So when the machines left C.M.I. and went to Intermet to be installed, if there had to be some type of maintenance or cleaning in the area between the cope and the gas head, when that cope and core box was then raised back to the gas head to start cycling again, that it was

designed and built for that to be done on the control panel?

A. That's correct.

Q. The way it was built and sold, if there was some problem with that valve on the control panel, then you could what, use -- do what I call a manual override or depress the cylinder valve manually and raise the strip cylinder; correct?

A. That's what I said, I'd have to go back and look to see if the valve had the capability to be able to do that.

Q. Okay. When the machine is in normal operation that control -- you did not use that control on the panel to raise the core box as part of the normal operation because that was automatic; correct?

A. That's correct. It would have been in manual mode function.

Q. Okay. And I may be repetitive, but this is something obviously we have to get very clear. In the manual mode function, the valve on the -- I mean the -- strike that.

In the manual mode function, the way the machine was remanufactured and sold, was for the raising of the core box by a -- by the control panel -- raising of the strip cylinder; correct?

A. Correct.
Q. In the normal functioning process it was automatically -- the stripe cylinder raised itself as a part of the process?
A. Correct.
Q. And the -- the PLC was written in such a way that it had the manual -- what we're calling the manual mode installed, so when the machine was not in the operating cycle, it could still -- the strip cylinder could still be raised from the control panel?
A. Yes. Every cylinder operated function on the machine could be controlled through the operator control panel in manual mode.
Q. If there -- if you find in your schematics there was a solenoid valve that could be depressed to change the control of the valve, then if for some reason that switch or control on the control box was not operational, it malfunctioned or whatever, the strip cylinder, in manual mode, could have been raised by using that solenoid -- depressing that solenoid valve if it was on there?
A. If it had the capability it could have, yes.
Q. Do you know whether or not the same control panel could be used if that pneumatic cylinder was changed to hydraulic?
A. The same control panel could be used --

strip cylinder from coming up.

Q. Okay.

A. What prevented the squeeze cylinder from coming up is the machine had no power to it. No hydraulic source of energy. No electrical source of energy. How could it be raised if there's no power to it?

Q. Mr. Gould, the safety protection you're talking about, is that what we have referred to as the lock-out procedure; locking the three sources of power, providing valves that have locks placed on them to lock out the power -- the energy?

A. Yes.

Q. Was there a lock-out procedure provided with the machines to Intermet?

A. I don't believe there was a specific step-by-step procedure other than the statement saying the machine needs to be locked out and tagged out before anybody enters inside the machine. I don't believe it specifically said turn this valve. Turn that valve. Push this button. Push that button. Because we only provided part of the total system. We provided a core machine, or mold machine, but there was all kinds of ancillary equipment that was integrated into the machine to make it a completely functional machine which we had no control over.

A. What it says is that they want a lock-out mode valve. To me that means that type of ball valve that's -- when it's in its closed position you could put a padlock on it.

Q. Do you know whether or not there was such a lock-out valve on the machine prior to this request?

A. There was -- the way it's written, there was a ball valve, but it didn't have a lock-out provision to put a lock on it.

Q. Okay. Were there any discussions about any other safety features to prevent someone from being smashed inside the machine other than the lock-out valves between you and anyone at Intermet? And we have talked about the two different devices you talked about. In addition to those. Separate from those I should say.

A. I can't recall any others.

Q. Tab 20. Go to the page that deals with the C.M.I. Equipment and Engineering Instruction Manual.

Do you know if the instruction manual -- is that something that was put together by C.M.I. or in effect copied?

A. It was put together by C.M.I. but I believe we used the Sutter manual as the guideline.

Q. And on Page 2237 under safety procedures, it's right at -- yeah, starts -- say it's the first one I pulled

out. That's the reason I got it first. 11.4 says:

"Do not cycle the machine by manual overrides of solenoid valves, unless operation is properly supervised."

The manual solenoid valves that we were talking about are the ones that have an electric manual overrides on the control panel? Is that correct?

A. Yes.

Q. Okay. When the Sutters -- retrofitting was designed by C.M.I. was there a state where there was a zero energy -- all energy was at zero? Was the machine capable of being put in that state?

A. Yes.

Q. What process did you have to go through to get into that state?

A. You had to shut the power off at the main panel. Flip the disconnect switch to make sure there was no electrical power available to that panel. And when you do that there is an accumulator on the hydraulic system that stored the energy. And that there -- that will activate the cylinder operator dump valve. That will release any of the energy that's in the accumulator. And all of the fluid will go back into the tank on the hydraulic reservoir.

Q. Was such a system to relieve the stored energy

having die blocks installed on them like I'm talking about?

MR. MUNSELL: Object.

A. I have read through all this stuff and it's my understanding at one time they did put some kind of die blocks in there.

BY MR. LAMBERT CONTINUING:

Q. At General Motors I believe?

A. Intermet.

Q. At Intermet?

A. Um-hmm. I believe they also tried some other things too, but --

Q. Jack stands and --

A. Jack stands.

Q. -- pieces of wood and --

A. Yeah, piece of tubing, piece of eyebeam. You know, something in --

Q. Yeah. Okay. I think you have answered this already. When the machine left C.M.I., the control panel then was set up in such a way that the manual operation of the strip cylinder was done from the control panel --

A. It --

Q. -- by the operator?

A. It had provisions to be -- to do that at the control panel by the operator.

Q. When you say it had provisions to be able to do that, I mean was there actually a switch on the control panel, or did you -- was the control panel put together --

A. It would have been.

Q. -- by C.M.I.?

A. One in the manual view screens that were programed by C.M.I. Or Koester Corporation would have been a button, probably two buttons. One to raise it and one to lower it.

Q. Okay. Touch screen type and not a hard-wired selector or switch or a button?

You would agree with me regarding this: Any type of design or retrofitting in this machine, that any manual control such as that should be done from the front of the machine where the person operating that can see the machine and see the opening in the machine?

A. Most definitely.

Q. Why is that?

A. Clear sight. Clear vision. He's the one that is controlling it. He can see everything. I mean just makes sense that that would be the place to do it from.

Q. Okay.

Let's look at Book two, Tab 39 at --

MR. LAMBERT: Off the record.